IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA
WRIT PETITION NO : 10116 of 2004

Between:

R. Malini Ramdas Pillai D/o. R. Ramdass,
Flat No. 48, New Gandhinagar, R.K.Puram, Trimulgerry , Secunderabad.

..... PETITIONER

AND

The Regional Passport Officer, New Clock Tower, Secunderabad,
Rep. by its Regional Passport Officer.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ aorder or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in not carrying out the correction/alleration of the petitioners correct date of birth as 20.5.1972 appeared in Passport No. A-8271478 issued on 3.8.2001 basing on the education certificate is illegal, arbitrary, unconstitutional and in violative of Article 19 and 21 of the Constitution of India and consequently direct the respondent to issue a fresh passport with my correctdagte of birth as 20.5.1972.

For the Petitioner:MR.M.E.CHANDRA SEKHAR

For the Respondent No.: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court Made the Following :

*Form-NIC-OGS/WP{**JGK**}*

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THE HON'BLE SRI JUSTICE N.V. RAMANA

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W.P. No. 10116 of 2004

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O r d e r:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the Central Government for the respondent-Passport Authority.

It is the case of the petitioner that her actual date of birth is 20-5-1972, but in the Passport issued to her by the respondent, her date of birth is wrongly mentioned as 17-6-1970, and that though he represented to the respondent, to alter her date of birth in the Passport and issue fresh passport, the respondent is refusing to entertain the application on the ground that they have no power to make correction of date of birth in the Passport. The petitioner, therefore, filed the present writ petition praying to direct the respondent to entertain his application for correction of date of birth and issue fresh Passport.

It is required to notice that there is no provision under the Passports Act, 1967, which empowers the Regional Passport Officer to correct entries in the Passport. However, pursuant to the judgement of the High Court of Judicature at Bombay, in W.P. No. 1072 of 2000, the Government of India issued instructions/clarifications in Circular dated 18-4-2001, which are to the following effect:

(a) Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, effect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.

(b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

(c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis

of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth.

As of today, if any request for correction of date of birth in the Passport is made, the Passport Issuing Authority is required to follow the aforementioned instructions. In that view of the matter, I deem it appropriate to dispose of the writ petition with the following directions:

The respondent is directed to receive the application of the petitioner for correction of date of birth in the Passport/issuance of fresh Passport, and process the same after verifying the genuineness or otherwise thereof basing on the documents the petitioner may file in support of her case for change of date of birth, in the light of the aforementioned guidelines, and pass appropriate orders.

With the above directions, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: June 22, 2004.
KSR/VP